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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,952	08/14/2006	Noel Sidney Davidson Wood	EASY0101PUSA	8387
22045 7590 10/16/2008 BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075				
EXAMINER MCDUFFIE, MICHAEL D				
ART UNIT 3632		PAPER NUMBER		
MAIL DATE 10/16/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/597,952

**Applicant(s)**

WOOD, NOEL SIDNEY DAVIDSON

**Examiner**

MICHAEL MCDUFFIE

**Art Unit**

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 8, 9 and 11-18 is/are pending in the application.
- 4a) Of the above claim(s) 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 9, 11-13 and 15-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 August 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 02/23/2007.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

The following correspondence is a non-final Office Action for application # 10/597952, entitled: OPENED BOOK HOLDING DEVICE, filed on 08/14/2006. Claims 1-6, 8-9, and 11-18 are pending.

## **DETAILED ACTION**

### ***Election/Restrictions***

Claim 14 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10/02/2008.

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8-9, 11-13, and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Tracy (U.S. Patent No.: 2597206).

Regarding claim 1, Tracy discloses an opened book holding device to permit an opened book to be held open at a selected pair of adjacent pages, the device including: a base **1**; a lip **16** extending upwardly from the base **1** and dimensioned to abut with a lower edge of the book; at least one cover support **11** mounted on the base **1** and

dimensioned to support a corresponding outer cover of the book; and biasing means **14** to resiliently bias the or each cover support **11,12** towards the lip **16**; where the lip **16** and the cover support(s) **11,12** are dimensioned to resiliently clamp the opened book therebetween.

With regards to claim 2, Tracy teaches the device, including a pair of the cover supports **11,12** each of which is independently resiliently biased.

Regarding claims 3 and 11, Tracy goes on to teach the device, where the cover support(s) **11,12** are adjustably mounted on the base **1** to alter the degree of inclination thereof relative to the base **1**.

With regards to claims 4 and 12, Tracy further teaches the device, where the cover support(s) **11,12** are selectively inclinable relative to the base **1** into any one of a plurality of pre-selected positions (via **19**, as shown in Fig. 5).

Regarding claims 5 and 13, Tracy discloses the device, where the cover support(s) **11,12** are hingedly mounted to the base **1** (via hinge **13**).

With regards to claims 6 and 15-18, Tracy teaches the device, where the cover support(s) **11,12** are formed as a cantilever which constitutes the biasing means **14**.

Concerning method claims 8-9 in view of the structure disclosed by Tracy, the method of operating the device would have been inherent, since it is the normal and logical manner in which the device could be used.

***Conclusion***

In addition to the prior art of record, the Examiner submits the Notice of References Cited, which discloses devices capable of supporting books.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL MCDUFFIE whose telephone number is (571)272-3832. The examiner can normally be reached on Mon.-Fri., 7AM-3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Shriver can be reached on 571-272-6698. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael McDuffie/  
Examiner, Art Unit 3632  
7-Oct-08

/J. ALLEN SHRIVER II/

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Supervisory Patent Examiner, Art Unit 3632